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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,747	04/14/2004	Bing-Hc Feng	MR1793-139	5016
<div>4586                      7590                      02/11/2008</div> <div>ROSENBERG, KLEIN &amp; LEE</div> <div>3458 ELLICOTT CENTER DRIVE-SUITE 101</div> <div>ELLICOTT CITY, MD 21043</div>				
<div>EXAMINER</div> <div>JOHNSON, VICKY A</div>				
<div>ART UNIT</div> <div>3682</div>		<div>PAPER NUMBER</div>		
<div>MAIL DATE</div> <div>02/11/2008</div>		<div>DELIVERY MODE</div> <div>PAPER</div>		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/823,747

**Applicant(s)**

FENG, BING-HE

**Examiner**

Vicky A. Johnson

**Art Unit**

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 9-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wessel et al (US 6,216,553).

Wessel et al disclose a bicycle transmission control device comprising: (a) a fixed housing (1) having a fixing through hole for fitting the housing on a handlebar of the bicycle, one side of the housing being recessed to form an annular cavity having an inner and an outer circumferential defining a width of the annular cavity being the radial distance between the inner and outer circumferential walls (see Fig 1), one end of the fixed housing being formed with a cord hole, one end of a steel cord passing through the cord hole out of the housing to connect with the bicycle transmission system; (b) a locating member (17) having a first locating section disposed on one of the outer and inner circumferential walls of the annular cavity; (c) a rotary member (11) having a central through hole for fitting the rotary member on the handlebar defining a central axis (see Fig 1); (d) a turning member (10) having a central through hole for fitting the turning member on the handlebar, the turning member being mounted on the rotary member, a linking section (13) defining an extending lug member disposed from the central axis (see Fig 1) protruding from inner side of the turning member and extending

into the annular cavity; and (e) a locking member (6) having a length larger than a width of the annular cavity, said extending lug member being slidably insertable within an open cavity (the indentations) of the locking member (see Fig 1), the locking member being pivotally drivable by the linking section of the turning member and slidable within the annular cavity of the fixed housing, one end of the locking member being formed with a second locating section (see Fig 1), the other end of the steel cord being hooked with the other end of the locking member to always resiliently pull the locking member, whereby the second locating section is biased toward the first locating section of the fixed housing, the length of the locking member being larger than the width of the annular cavity so that when the locking member is pivotally rotated within the annular cavity, two ends of the locking member will respectively abut against the outer and inner circumferential walls of the annular cavity to prevent the locking member from further rotating, whereby the second locating section of the locking member will firmly engage with the first locating section (see Fig 1).

### ***Response to Arguments***

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Wessel reference fails to meet the newly recited limitations of claim 1. As stated above, Wessel teaches the use of a lug member (extending surfaces of 13) slidably insertable in the open cavity (indentations) of the locking member (6).

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/  
Primary Examiner, Art Unit 3682